RAJYA SABHA

Tuesday the 9th March, 1999/18 Phalguna, 1920 (Saka)

The House met at eleven of the clock, **The Deputy Chairman** *in the Chair.*

ORAL ANSWERS TO QUESTIONS

SHRI GURUDAS DAS GUPTA: Good morning, Madam.

THE DEPUTY CHAIRMAN: Good morning. I hope it remains a good day. Mornings are always good, but the day should be good.

SHRI GURUDAS DAS GUPTA: But, you should have been in the Chair yesterday.

THE DEPUTY CHAIRMAN: Question No. 181.

Calcutta Port Trust Land

*181. SHRI SOLIPETTA RAMACHANDRA REDDY:†
SHRI K. KALAVENKATA RAO:

Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether forcible and illegal possession of Calcutta Port Trust land has been reported;

(b) if so, the details thereof; and

(c) the action taken thereon?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI): (a) to (c) A statement is laid on the table of the House.

Statement

(a) There has been no reported case of forcible occupation of Calcutta Port Trust land except illegal occupation both at Calcutta and Haldia.

(b) About 14.54 acres of land at Calcutta and 213 acres at Haldia which is yet to be handed over by the State Government to the Port Trust is under unauthorised occupation.

(c) Calcutta Port Trust undertakes regular drives for removal of encroachments at Calcutta with police assistance. As regards Haldia, the State Government is being constantly pursued for transfer of the land to the Port Trust free from all encumbrances.

SHRI SOLIPETA RAMACHANDRA REDDY: Madam, the hon. Minister was kind enough to reply that there has been no reported case of forcible occupation of Calcutta Port Trust land except an illegal occupation both at Calcutta and Haldia. He has agreed that illegal occupation is there. About 14.54 acres of land in Calcutta and 213 acres of land at Haldia are still under unauthorised occupation. Madam, I want to bring to the notice of the hon. Minister through you that it has appeared in the press that "a former jailbird, Laxmi Narain Somani, has taken forcible and illegal possession of over 400,000 square feet of prime Calcutta Port Trust land on the west bank of the Hooghly, according to police records. CPT officials also said that they had filed several cases against the Somanis on charges of forceful and illegal possession of the prime land. But not one inch has been retrieved. Furthermore, the Calcutta police records say that Somani, along with his father Chunnilal and brothers Radhakrishnan, Ratan and Shyam, have complete and illegal control of all godowns of Georges's Dock on the west bank. Officials suspect that the godowns under Somani control are also being used for contraband goods. Port Trust officials confirmed to the press that this property was being utilised by the Somanis under various fictitious names." So, Madam, the present market price of the land in illegal possession is at least Rs. 200 lakhs. I would like to know from the hon. Minister what steps are being

†The Question was actually asked on the floor of the House by Shri Solipeta Ramachandra Reddy.

intended to be taken to get the illoegal possession evicted immediately. Secondly, I would like to know whether the space is being misused under fictitious names for storage of contraband goods like drugs; and, if so, what action is being taken to stop such business?

SHRI M. THAMBI DURAI: Madam, the reference by the hon. Member regarding the illegal occupation of the land by the Somani group on fictitious names, may be partly correct, but the area which he has mentioned i.e. nearly 400,000 square feet, is not correct. Hopefully in that area so much of land is not available.

SHRI SOLIPETA RAMACHANDRA REDDY: I have said square feet, not acres.

SHRI M. THAMBI DURAI: Yes, you have said 400,000 square feet. It is not correct. It is nearly 1,400 or 2,000 square feet. I will furnish the exact figure about the area encroached. But, his statement that the godowns are being misused for storing the contraband goods and other things is not correct. I say this because ports cannot allow things to go on like this. But, according to the press report, what he has quoted is that the Port has accepted...

SHRI SOLIPETA RAMACHANDRA REDDY: They have filed cases.

SHRI M. THAMBI DURAI: It is not correct. But the Somani groups over the last year have got several properties of Calcutta Port Trust under different names of the companies by adopting several tactics. That is correct. Some properties have been acquired by them through the official process of allotment i.e. lease. Afterwards, some companies when they are not able to vacate within the stipulated period, when the period expires, they are entering into some understanding with the undertaking for using the land. That is also a fact. We have come across many cases like that. Regarding eight places, some areas, some godowns, they have occupied these places also. The Calcutta Port Trust has already taken legal action. They have filed many complaints before the court. As soon as the litigation is over, they would try to get the land back and take possession.

Regarding the value of the land, I would give it to you afterwards.

SHRI SOLIPETA RAMACHANDRA REDDY: Madam Deputy Chairman, I hope the Minister has not misplaced the facts. Now, I would like to know from the hon. Minister, on what basis the authorities have made this great jailbird, Mr. Laxmi Narain Somani, a member of the Calcutta Port Trust, when the police record shows him to be in complete and illegal control of all godowns at Georges's Dock, on the west bank of the Hooghly.

SHRI M. THAMBI DURAI: Madam Deputy Chairman, I do not know whether he is a jailbird or not. I have to find out.

SHRI SOLIPETA RAMACHANDRA REDDY: But he is a member of the Port Trust.

SHRI M. THAMBI DURAI: During 1994-96 he was a member of that Board. Afterwards, his membership was terminated. Now, he is no more member of the Port Trust. We have written letters to the Police (Home) Department, West Bengal Government to ascertain his antecedents. When we receive it, only then can we furnish it.

THE DEPUTY CHAIRMAN: When you give membership to any person on the Port Trust, some inquiry must have been done by the Government to find out what his antecedents are, or, they just make them members of the Port Trust.

SHRI M. THAMBI DURAI: We have not made him a member. He was a member in 1992. ...(*interruptions*)...

THE DEPUTY CHAIRMAN: Mr. Kala Venkat Rao. Not present.

SHRI GURUDAS DAS GUPTA: Madam Deputy Chairman, it is a sordid story. It is a sordid story of failure of the Calcutta Port Trust to recover its own

land. It is all the more sordid because the person who had occupied the land of the Port Trust illegally is a member of the Somani family. Whatever it is, the business is the same. He is a family member. A particular person who has illegally occupied the land of the Calcutta Port Trust was found to be a member of the Board of Trustees. Where is the law of the country? ...(*Interruptions*)... Madam, it is under the Central Government. It is exclusively under the jurisdiction of the Central Government. It is not under the jurisdiction of the State Government. Let us not pass the buck. This sort of politicisation will only shield the people who violate the law in the country. Therefore, my specific question is: will the Ministry of Surface Transport direct the authorities of the Calcutta Port Trust to recover the land immediately, not just going to the court and looking for an adjournment? We all know how the system is functioning. The reply is, "It is pending." When the case is pending for too long, we know that there is an alternative method of recovering it; and looking for an expeditious trial, that is, they can go to the Supreme Court. The Calcutta Port Trust is losing money. At the same time, its own property is being enjoyed illegally by other people. The Minister was generous enough to say, "It is pending in the court of law." Therefore, my point is that the Government must assure this House that all steps will be taken to recover the land, dispossess the illegal occupants of the land and restore the property to the Calcutta Port Trust and also to get money from them for illegally occupying it.

Madam, part (b) of my question is: Is it true that the same illegal occupation of the land is taking place in other important parts of the country, including Mumbai Port?

SHRI M. THAMBI DURAI: Madam, we know the importance of the lands for the use of ports. Also, we do not want to pass on the burden as the hon. Member has alleged. That is not our intention. I have mentioned that during my previous reply also.

Regarding the recovery of lands from the illegal occupants, we have taken a lot of measures. Cases before the civil courts are pending. We have taken some other alternative measures also. (*Interruptions*).

THE DEPUTY CHAIRMAN: Let him answer, Mr. Gurudas Das Gupta.

SHRI M. THAMBI DURAI: We have taken alternative measures also under the Public Premises Act, 1971 which gives more powers, to get back the lands quickly. For that, we have filed certain cases. Instead of going to civil courts, we have adopted this process. We are filing cases under this Act. We are hoping that we will get back the lands quickly. Also, we are making all the efforts to see that the arrears of rent which are supposed to come to the Port are also recovered. I am assuring the hon. Member that I will direct the Calcutta Port Trust to take all the efforts to see that they do not postpone the cases taking further time under any pretext. I will direct them. I will be going to inspect them. I will see that at an earlier date, all the lands are recovered.

SHRI JOHN F. FERNANDES: Madam, the Minister spoke of illegal occupation of lands. It is a fact that this is possible only with the connivance of the officials. This is very common with Port Trusts and Airport Authorities. We see slums in cities on Airports Authority land and on Port Trust land. I would like to know from the hon. Minister whether they propose to have Special Mobile Magistrates to see that these encroachments are removed early. There would be Special Mobile Magistrates like courts. The State Government has it. And this land is within your jurisdiction. You can pass a law and authorise the officials to be Special Megistrates to remove these encroachments.

Secondly, after the liberalisation of the Government infrastructure, a direction

went to the State and Central undertakings that they should privatise only the infrastructure. Certain ports, including the Mormugao Port Trust of Goa, have leased out the Port land to the private sector. In Goa, we have seen that 24 acres of land was leased out to a private multinational to make fast bucks. The Committee of your Ministry, of which Mr. Pramod Mahajan was the Chairman, has recommended that there should be a CBI inquiry on the officer. Despite that, nothing has happened and that officer has been rehabilitated in the Goa Administration under the President's rule. Will you investigate into that matter?

SHRI M. THAMBI DURAI: Madam, on the suggestion given by the hon. Member to have a Mobile Magistrate for quick disposal, we will see that cases are disposed of quickly and we get back the lands at an early date. We are considering that proposal as to how far it See Page 5. is possible. I will try to see whether we can follow that kind of procedure.

THE DEPUTY CHAIRMAN: Especially now that you hold both the Ministries, you do not have to go to another Minister and convince him. You can do it yourself.

SHRI M. THAMBI DURAI: Madam, I will make efforts. This kind of illegal occupation is not only there in Calcutta but in Mumbai and Cochin also. A lot of cases are pending. In other ports also, we are facing similar things. We will make a comprehensive procedure as to how to recover them. We will make all the efforts.

Regarding Goa Port, the hon. Member has mentioned certain things. I will go through the matter and find out what has happened there.

श्री सतीश प्रधान: मैडम, मैं आदरणीय मंत्री जी से यह जानना चाहूंगा कि इल्लीगल आकुपेंट्स जो पोर्ट ट्रस्ट के खिलाफ कोर्ट में गए हैं, ऐसे कितने केसेज कोर्ट में पैंडिंग हैं? इसके साथ-साथ मैं यह भी जानना चाहूंगा कि इनको ऐक्सपिडाईट करने के लिए उनके पास क्या प्रावधान है, वह क्या व्यवस्था कर रहे हैं? मैं यह भी जानना चाहता हूं कि ऐसे कुछ केसेज हैं क्या जहां कोर्ट का डिसीजन पोर्ट ट्रस्ट की साईड में आया था लेकिन फिर भी अभी तक अपनी जमीन अपने कब्जे में लेने के लिए पोर्ट ट्रस्ट ने कार्यवाही नहीं की है।

SHRI M. THAMBI DURAI: Madam, regarding the number of cases pending before the Court, I have to collect the information. I will furnish that afterwards. I am not really having the exact number of cases pending before the Court. Secondly, as I explained earlier, we are taking all the measures to see that the cases are expenditiously solved. For that, we are making our efforts. Instead of going in for civil suits, we are going in for the other procedure, i.e. the Public Premises Act of 1971. We are making all the efforts.

SHRI SATISHCHANDRA SITARAM PRADHAN: I have asked one thing more. Madam, I want to know whether the Court decision was in favour of the Port Trust, and if you have not taken cognisance of that and the prossession of the land , how you are going to proceed.

SHRI M. THAMBI DURAI: I will furnish the exact number. I am not having the information now.

SHRI SATISHCHANDRA SITARAM PRADHAN: You can submit the information later.

SHRI M. THAMBI DURAI: Yes, I will submit the information. I want to tell you as to how it is delayed. Sometimes, people are going in for an appeal also. That is why the delay is happening. Based on the final decision, we will take action against the illegal occupants.

SHRI SATISHCHANDRA SITARAM PRADHAN: Many times, it happens that a Court decision comes in our favour, but we do not take the possession, and, again, the people go and appeal after some time.

SHRI M. THAMBI DURAI: In such cases, we will punish them.

SHRI PRANAB MUKHERJEE: Madam, in part (a) of the statement, the hon. Minister has said that no cases, have been reported of forcible occupation, there are cases of illegal occupation. I do not know what the distinction is. After all, when they are in illegal occupation, they are violating the law, and violation of the law indicates some sort of action, not a very peaceful one none-the-less.

Is it not a fact that the Law Department of the Port Trust is interested in issuing constant notices and take measures to ensure that illegal occupants are evicted according to the law?

The second question is emerging specially in regard to Calcutta. As I come from that area, I know that the Port Authorities are trying to develop certain areas strictly not for facilitating the port activities and disputes are arising between the State Government and the Port Trust. The claim of the State Government is, they are giving land to them—the land, after all, belongs to the State—to develop their activities relating to port or for expansion of railways or for construction of roads, and not to give it to the private builders so that they can utilise that land and get money, and give that money to the Port Trust. Exactly, these things are going to happen. I understand that the huge godown facilities which have been created all along the bank the Ganges from strand Road are going to be transferred to the private builders so that they can construct buildings, make money and share that with the Port Trust. But that is not the utilisation of the land. When a land is being given to the Port Trust or to the Railways or to the PWD, it is meant to be used by them so that their activities can be expanded, but they can't make money out of the land given to them, without utilising it for the purpose for which it is being given to them. I would like to have a comment from the hon. Minister whether it is a fact, and, if it is act, what steps he is going to take.

SHRI M. THAMBI DURAI: Madam, There is some kind of distinction between illegal occupation and forcible occupation. I want to make the distinction here. Some people are getting the land legally. Afterwards, when their term expires, they are still occupying, and not vacating. This is also illegal occupation, you can say. Sometimes when we allot a thousand square yards, after erecting thereon, wherever the land is vacant, still further they extend illegally-occupying that part. Forcible occupation, the Member knows: Sometimes, what is happening in certain places is certain people are coming and forcibly occupying a land and putting up tents and every thing. That kind of a situation we are not having in Calcutta Port. Only illegal occupation is there.

Regarding the allotment of land, when earmarked for certain development purposes, how the Port Trust is allotting it to private people, that is the point on which I know what your apprehension is. Our idea is to see that the land which was allotted for expanding the Port activities is used only for that purpose.

We are for that only, that is, to use the land for such kind of activities like developing infrastructure facilities, storage facilities; railway plan, which you wanted, and road development, etc. Now-a-days, we are allowing BOT schemes. There are certain port development activities, and for that, we are allotting land to the private sector. That is a fact.

The second point was regarding allotting land to private people for some other business other than port activities. That was the main thrust of your question. I can understand that. Our idea is this. First we guide them to see that we are allotting a certain area only for port activities and that they have to use that land for storage facilities etc. And that is what they are asking the land for. After getting the land, some people are misusing it. You mentioned about this. That is a fact. We are coming across such

cases and necessary action will be taken against them.

THE DEPUTY CHAIRMAN: I think a number of questions have been put on port trust. There are some other important questions.

SHRI NILOTPAL BASU: Basically, the problem is that encroachment, or, forcible occupation, or, illegal occupation, whatever it is, takes place because the concerned land is not being put to use in the manner desired by that particular agency at the time of getting that land from the State Governments. Now, it is a fact of life that as regards ports all over the country, not only in Calcutta, but elsewhere also, land which is lying with other Central Government agencies is being enchroached upon. And added to that, the problem raised by Mr. Mukherjee is also there. Now, the Central Government agencies feel that they are the legitimate owners of that land. Will your Government take a policy decision to restore back all the land which was taken from the State Government in the past? Now, that land is not being put to use, in accordance with the Master Plan of the city concerned.

SHRI M. THAMBI DURAI: Sir, when we assess the requirement of land for port activities, we frame a Master Plan. Based on that, we request the State Government to acquire the land and hand it over to the port.

SHRI NILOTPAL BASU: But that is not happening. *(interruptions)*

THE DEPUTY CHAIRMAN: Let him finish. If it was happening, then you would not have put this question. It is quite obvious.

SHRI M. THAMBI DURAI: When we allot land to private people, initially, they are using that land for port activities. Afterwards, under some pretext, they are using it for some other purpose. We have come across such kind of complaints. We are taking action to see that they properly utilise the land. If they are not able to properly utilise it, it means there is some encroachment. That is another factor. Therefore, we have to see that the Port Trust takes necessary steps to implement the projects as quickly as possible and use that land. Also, when they earmark the land or allot the land to the private sector, they have to strictly follow the rules. *(interruptions).*

SHRI NILOTPAL BASU: But the private sector is coming in. All the land was given to....*(interruptions).*

THE DEPUTY CHAIRMAN: Mr. Nilotpal Basu, have patience. *(interruptions)* . We have done enough on this question. Now we will take up the next question.

*182. *[The questioner (Shri Khagen Das) was absent. For answer,* vide *col.* 29 *infra.*]

Decline in the Rate of Inflation

*183. SHRI AKHILESH DAS:
SHRIMATI VEENA VERMA:†

Will the Minister of FINANCE be pleased to state:

(a) whether the rate of inflation declined in the month of December, 1998; if so, to what extent, and the sectorwise rise and fall in prices to which the inflation rate is attributable;

(b) the rate of inflation recorded week to week since December, 1998; and

(c) the steps taken to keep the inflation down?

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): (a) to (c) A statement is laid on the Table of the House.

Statement

(a) Yes, Sir, the inflation rate based on WPI decelerated 5.34 per cent by the last week of December 1998 from the peak inflation of 8.84 per cent in the last week

†The Question was actually asked on the floor of the House by Shrimati Veena Verma.